

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BILLY BRANTLEY, et al.,	:	Case No. C-I-01-378
	:	
Plaintiffs,	:	Judge Susan J. Dlott
	:	
vs.	:	
	:	
CINERGY CORP.,	:	DEFENDANT, CINERGY CORP.'S
	:	RESPONSE TO PLAINTIFFS' MOTION
	:	FOR A FURTHER EXTENSION OF TIME
Defendant.	:	TO RESPOND TO DEFENDANT'S
	:	MOTIONS FOR SUMMARY JUDGMENT
	:	AND MOTION TO SEVER PLAINTIFFS'
	:	CLAIMS

MEMORANDUM

Plaintiffs' request a second two-week extension (for a total of in excess of eight weeks, in addition to the year in which they had the identical motions) in which to respond to Defendant's, Motions For Summary Judgment and Motion to Sever Plaintiffs' Claims and request an second extension of two weeks from September 9, 2004 until September 23, 2004 with a concomitant extension for Defendant from October 14, 2004 until **October 18, 2004 (only four additional days). While Defendant takes no position on the propriety of Plaintiffs' requests or their reasons, it does object to a request that grants Plaintiffs additional time, but cuts its own time to file replies short.**

In the event that this Court grants Plaintiffs **any** additional time to respond to its pending Motions, Defendant respectfully requests a commensurate extension from October 14, 2004 (the date for Defendant's Replies in the Court's August 30, 2004 Order granting Plaintiffs' first Motion for Extension of Time). If this court grants Plaintiffs an additional two weeks until

September 23, 2004 in which to file their Memoranda in Opposition to the pending Motions For Summary Judgment and Motion to Sever Plaintiffs' Claims, Defendant respectfully requests a commensurate extension of two weeks (rather than only four days) until October 28, 2004 in which to file its Reply Memoranda, for good cause shown and in the interests of fairness.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading was served via ordinary mail this 10th day of September, 2004 to:

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